

**ESSB 6366 - H AMD 1192**

By Representative Schual-Berke

**ADOPTED 3/8/2006**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) Pandemic influenza is a global outbreak of disease that  
5 occurs when a new virus appears in the human population, causes  
6 serious illness, and then spreads easily from person to person.

7 (2) Historically, pandemic influenza has occurred on average  
8 every thirty years. Most recently, the Asian flu in 1957-58 and  
9 the Hong Kong flu in 1968-69 killed seventy thousand and thirty-  
10 four thousand, respectively, in the United States.

11 (3) Another influenza pandemic could emerge with little  
12 warning, affecting a large number of people. Estimates are that  
13 another pandemic influenza would cause more than two hundred  
14 thousand deaths in our country, with as many as five thousand in  
15 Washington. Our state could also expect ten thousand to twenty-  
16 four thousand people needing hospital stays, and as many as a  
17 million people requiring outpatient visits. During a severe  
18 pandemic these numbers could be much higher. The economic losses  
19 could also be substantial.

20 (4) The current Avian or bird flu that is spreading around the  
21 world has the potential to start a pandemic. There is yet no  
22 proven vaccine, and antiviral medication supplies are limited and  
23 of unknown effectiveness against a human version of the virus,  
24 leaving traditional public health measures as the only means to  
25 slow the spread of the disease. Given the global nature of a  
26 pandemic, as much as possible, the state must be able to respond  
27 assuming only limited outside resources and assistance will be  
28 available.

29 (5) An effective response to pandemic influenza in Washington  
30 must focus at the local level and will depend on preestablished  
31 partnerships and collaborative planning on a range of best-case and

1 worst-case scenarios. It will require flexibility and real-time  
2 decision making, guided by accurate information. It will also  
3 depend on a well-informed public that understands the dangers of  
4 pandemic influenza and the steps necessary to prevent the spread of  
5 the disease.

6 (6) Avian flu is but one example of an infectious disease that,  
7 were an outbreak to occur, could pose a significant statewide  
8 health hazard. As such, preparation for pandemic flu will also  
9 enhance the capacity of local public health jurisdictions to  
10 respond to other emergencies.

11 It is therefore the intent of the legislature that adequate  
12 pandemic flu preparedness and response plans be developed and  
13 implemented by local public health jurisdictions statewide in order  
14 to limit the number of illnesses and deaths, preserve the  
15 continuity of essential government and other community services,  
16 and minimize social disruption and economic loss in the event of an  
17 influenza pandemic.

18 NEW SECTION. **Sec. 2.** The definitions in this section apply  
19 throughout this chapter unless the context clearly requires  
20 otherwise.

21 (1) "Department" means the department of health.

22 (2) "Local health jurisdiction" means a local health department  
23 as established under chapter 70.05 RCW, a combined city-county  
24 health department as established under chapter 70.08 RCW, or a  
25 health district established under chapter 70.05 or 70.46 RCW.

26 (3) "Secretary" means the secretary of the department of  
27 health.

28 NEW SECTION. **Sec. 3.** (1) The secretary shall establish  
29 requirements and performance standards, consistent with any  
30 requirements or standards established by the United States  
31 department of health and human services, regarding the development  
32 and implementation of local pandemic flu preparedness and response  
33 plans.

34 (2) To the extent state or federal funds are provided for this  
35 purpose, by November 1, 2006, each local health jurisdiction shall  
36 develop a pandemic flu preparedness and response plan, consistent

1 with requirements and performance standards established in  
2 subsection (1) of this section, for the purpose of:

3 (a) Defining preparedness activities that should be undertaken  
4 before a pandemic occurs that will enhance the effectiveness of  
5 response measures;

6 (b) Describing the response, coordination, and decision-making  
7 structure that will incorporate the local health jurisdiction, the  
8 local health care system, other local response agencies, and state  
9 and federal agencies during the pandemic;

10 (c) Defining the roles and responsibilities for the local  
11 health jurisdiction, local health care partners, and local response  
12 agencies during all phases of a pandemic;

13 (d) Describing public health interventions in a pandemic  
14 response and the timing of such interventions;

15 (e) Serving as a guide for local health care system partners,  
16 response agencies, and businesses in the development of pandemic  
17 influenza response plans; and

18 (f) Providing technical support and information on which  
19 preparedness and response actions are based.

20 Each plan shall be developed based on an assessment by the  
21 local health jurisdiction of its current capacity to respond to  
22 pandemic flu and otherwise meet department outcome measures related  
23 to infectious disease outbreaks of statewide significance.

24 NEW SECTION. **Sec. 4.** (1) Each local health jurisdiction shall  
25 develop its pandemic flu preparedness and response plan based on  
26 the requirements and performance standards established under  
27 section 3(1) of this act and an assessment of the jurisdiction's  
28 current capacity to respond to pandemic flu. The plan shall be  
29 developed in consultation with appropriate public and private  
30 sector partners, including departments of emergency management, law  
31 enforcement, school districts, hospitals and medical professionals,  
32 tribal governments, and business organizations. At a minimum, each  
33 plan shall address:

34 (a) Strategies to educate the public about the consequences of  
35 influenza pandemic and what each person can do to prepare,  
36 including the adoption of universal infectious disease prevention  
37 practices and maintaining appropriate emergency supplies;

1 (b) Jurisdiction-wide disease surveillance programs,  
2 coordinated with state and federal efforts, to detect pandemic  
3 influenza strains in humans and animals, including health care  
4 provider compliance with reportable conditions requirements, and  
5 investigation and analysis of reported illness or outbreaks;

6 (c) Communication systems, including the availability of and  
7 access to specialized communications equipment by health officials  
8 and community leaders, and the use of mass media outlets;

9 (d) Mass vaccination plans and protocols to rapidly administer  
10 vaccine and monitor vaccine effectiveness and safety;

11 (e) Guidelines for the utilization of antiviral medications for  
12 the treatment and prevention of influenza;

13 (f) Implementation of nonmedical measures to decrease the  
14 spread of the disease as guided by the epidemiology of the  
15 pandemic, including increasing adherence to public health  
16 advisories, voluntary social isolation during outbreaks, and health  
17 officer orders related to quarantines;

18 (g) Medical system mobilization, including improving the  
19 linkages and coordination of emergency responses across health care  
20 organizations, and assuring the availability of adequate facilities  
21 and trained personnel;

22 (h) Strategies for maintaining social order and essential  
23 community services while limiting the spread of disease throughout  
24 the duration of the pandemic; and

25 (i) The jurisdiction's relative priorities related to  
26 implementation of the above activities, based on available funding.

27 (2) To the extent state or federal funds are provided for this  
28 purpose, the department, in consultation with the state director of  
29 emergency management, shall provide technical assistance and  
30 disburse funds as needed, based on the formula developed under  
31 sections 6 of this act, to support local health jurisdictions in  
32 developing their pandemic flu preparedness and response plans.

33 NEW SECTION. **Sec. 5.** Local health jurisdictions shall submit  
34 their pandemic flu preparedness and response plans to the secretary  
35 by November 1, 2006. Upon receipt of a plan, the secretary shall  
36 approve or reject the plan. When the plan is determined by the  
37 department to comply with the requirements and integrate the  
38 performance standards established under section 3(1) of this act,

1 any additional state or federal funding appropriated in the budget  
2 shall be provided to the local health jurisdiction to support the  
3 preparedness response activities identified in the plan, based upon  
4 a formula developed by the secretary under section 6 of this act.  
5 Preparedness and response activities include but not limited to:

6 (1) Education, information, and outreach, in multiple  
7 languages, to increase community preparedness and reduce the spread  
8 of the disease should it occur;

9 (2) Development of materials and systems to be used in the  
10 event of a pandemic to keep the public informed about the  
11 influenza, the course of the pandemic, and response activities;

12 (3) Development of the legal documents necessary to facilitate  
13 and support the necessary government response;

14 (4) Training and response drills for local health jurisdiction  
15 staff, law enforcement, health care providers, and others with  
16 responsibilities identified in the plan;

17 (5) Enhancement of the communicable disease surveillance  
18 system; and

19 (6) Development of coordination and communication systems among  
20 responding agencies.

21 Where appropriate, these activities shall be coordinated and  
22 funded on a regional or statewide basis. The secretary, in  
23 consultation with the state director of emergency management, shall  
24 provide implementation support and assistance to a local health  
25 jurisdiction when the secretary or the local health jurisdiction  
26 has concerns regarding a jurisdiction's progress toward  
27 implementing its plan.

28 NEW SECTION. **Sec. 6.** The secretary shall develop a formula  
29 for distribution of any federal and state funds appropriated in the  
30 omnibus appropriations act on or before July 1, 2006, to local  
31 health jurisdictions for development and implementation of their  
32 pandemic flu preparedness and response plans. The formula  
33 developed by the secretary shall ensure that each local health  
34 jurisdiction receives a minimum amount of funds for plan  
35 development and that any additional funds for plan development be  
36 distributed equitably, including consideration of population and  
37 factors that increase susceptibility to an outbreak, upon  
38 soliciting the advice of the local health jurisdictions.

1        NEW SECTION.    **Sec. 7.**    The secretary shall:

2            (1) Develop a process for assessing the compliance of each  
3 local health jurisdiction with the requirements and performance  
4 standards developed under section 3(1) of this act at least  
5 biannually.

6            (2) By November 15, 2008, report to the legislature on the  
7 level of compliance with the performance standards established  
8 under section 3(1) of this act. The report shall consider the  
9 extent to which local health jurisdictions comply with each  
10 performance standard and any impediments to meeting the expected  
11 level of performance.

12        NEW SECTION.    **Sec. 8.**    Sections 1 through 7 of this act  
13 constitute a new chapter in Title 70 RCW. "

**EFFECT:**    Requires the Secretary of Health to establish requirements and performance standards regarding the development of pandemic flu preparedness and response plans.

Requires that plans include the local health jurisdictions' priorities for funding of implementation of the plans' activities.

Requires local health jurisdictions to submit their plans by November 1, 2006 instead of January 1, 2007.

Requires the Secretary to develop a process to assess the compliance of the local health jurisdictions with the requirements and performance standards every two years and report to the Legislature on compliance levels by November 15, 2008.

Directs the Secretary to develop a formula for distributing funds to local health jurisdictions for developing pandemic flu preparedness and response plans. Requires the formula to include a minimum amount of funding for each local health jurisdiction.